

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Stuart N. Kingoff,

Plaintiff,

- against -

NCO Financial Systems, Inc.,

Defendant.
-----X

Civil Action No.:

12 CV 2966

**COMPLAINT AND
DEMAND FOR
TRIAL BY JURY**

Plaintiff Stuart N. Kingoff ("Plaintiff" or "Kingoff"), by and through his attorneys,
FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for his Complaint against
the Defendant NCO Financial Services Systems, Inc., ("Defendant" or "NCO"), respectfully sets
forth, complains and alleges, upon information and belief, the following:

12 APR 13 2012
U.S. DISTRICT COURT
S.D.N.Y.
PM 4:30

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New York, County of Rockland, residing at 2 Fosse Court, Monsey, New York 10952.
3. Defendant is a Pennsylvania corporation with a principal place of business at 507 Prudential Road, Horsham, Pennsylvania 19044, and is authorized to do business in the State of New York.
4. The Defendant is a "debt collector" as the phrase is defined and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec. 1331, as well as 15 U.S.C. Sec. 1692 et. seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 U.S.C. Sec. 1367(a).
6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.
8. Upon information and belief, on a date better known to the Defendant, the Defendant began collection activities on an alleged consumer debt from Plaintiff (“Alleged Debt”).
9. On or about September 15, 2011, at approximately 11:24 a.m., Plaintiff and the Defendant engaged in a telephone conversation with respect to the Alleged Debt. In that communication, Defendant failed to state that the call was in attempt to collect a debt and that any information would be used for that purpose.
10. Said failure on the part of the Defendant is a violation of the FDCPA, 15 U.S.C. Sec. 1692e(11).
11. As a result of the Defendant’s deceptive, misleading and/or unfair debt collection practices, the Plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

12. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "11" herein with the same force and effect as if the same were set forth at length herein.
13. Defendant's debt collection efforts attempted and/or directed towards Plaintiff also violate various provisions of the FDCPA, including but not limited to 15 U.S.C. §1692e(11).
14. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

15. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this Complaint to which the Plaintiff is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Stuart N. Kingoff demands judgment against the Defendant NCO Financial Services Systems, Inc., as follows:

- A. For actual damages provided and pursuant to 15 U.S.C. Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 U.S.C. Sec.1692k(a)(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 U.S.C. Sec. 1692k(a)(3);
- D. For a declaration that the Defendant's practices violated the provisions of the FDCPA;
- and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
March 29, 2012

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read 'S. Ehrenfeld', is written over a horizontal line.

Samuel A. Ehrenfeld

FREDRICK SCHULMAN & ASSOCIATES
Attorneys at Law
Attorney for Plaintiff
30 East 29TH Street
New York, New York 10016
(212) 796-6053